IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9390 of 2007

THURSDAY, THE TWENTY FIRST DAY OF JUNE TWO THOUSAND AND SEVEN

Between:

Dr. T. Vani, W/o. Dr. Ramubabu, aged 34 years,
Casualty Medical Officer, Nizams Institute of
Medical Sciences, Hyderabad.

... Petitioner

And

The Nizams Institute of Medical Sciences,
Hyderabad, rep. by its Registrar, NIMS,
Panjagutta, Hyderabad.

... Respondent

Order:

Petitioner, a Casualty Medical Officer in Nizams Institute of Medical Sciences, seeks a Writ of Mandamus to declare the action of the respondent in not allotting a seat to her in Post Graduate Course in Hospital Administration, by converting her from the reserved in-service quota to the general quota as illegal and arbitrary.

2. Altogether, four seats were available in the subject of Hospital Administration out of which three seats were reserved for in-service candidates and one seat was for open category. Petitioner claimed a seat in the aforesaid subject under non-service quota in the seats reserved for B.C. 'A' category. Out of three available seats, which were reserved for in-service candidates, two seats were allotted to better rank holders and third seat was kept vacant. Meanwhile, a candidate belonging to B.C 'B' category in the in-service quota, who has secured 40 percent marks in the entrance examination, has applied for a seat in that quota and he has been allotted the third seat.

3. Petitioner has sought conversion only on the ground that there are no qualified candidates in in-service quota.

4. The Executive Registrar, NIMS has filed counter affidavit stating that the seat that was vacant for BC 'B candidates in the in-service category was initially kept in abeyance. It is stated that one Dr. Seshadri Billa who has secured 40 per cent marks and belongs to BC 'B' category has represented to consider his case in accordance with the Medical Council of India Regulations (Postgraduate Medical Education Regulations, 2000). It is also stated that it was decided to offer the seat reserved for in-service candidates of BC 'B' category that was kept in abeyance initially, pending clarification from Medial Council of India to the said Dr. Seshadri Billa who secured 40 percent marks; hence no seat is vacant in Hospital Administration as alleged by the petitioner.

5. It is to be seen that in view of the representation of the aforesaid candidate, he was allotted the leftover seat in the light of the regulations framed by the Medical Council of India. It is to be noted

that petitioner does not fit into the category of the seat that was vacant. As discussed above, the said seat is also filled up by an eligible person. Furthermore, the said person who was allotted the leftover seat is not made a party respondent to this Writ Petition. Hence, no direction as sought for can be given.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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Justice R. Subhash Reddy.

June 21, 2007
MRR